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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,396	08/27/2003	Kenneth Leitner	P08040US00/RFH	5320
881	7590	03/15/2004	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			BOEHLER, ANNE MARIE M	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,396	LEITNER, KENNETH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anne Marie M Boehler	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/9/03</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, "of the type" is indefinite and should be deleted. In line 15, "the parts" lack clear antecedent basis in the claims.

In claim 4, line 1, "of the type" is indefinite and should be deleted. On line 8, "the transport and use positions" lack clear antecedent basis in the claims. In line 14, "the parts" lack clear antecedent basis in the claims.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouellette (PG Pub. No. 2004/0000778) in view of Navarrete (USPN 1,168,955).

Ouellette shows a snowmobile 101 with an elevation mechanism having a stabilizer brace 2-4 movable between in use and transport positions. Figures 1 and 5 show the brace having parallel side members 3, 4, pivotally connected to the snowmobile at a position forward of the rear end of the snowmobile. A straight base member 2 is connected at lateral ends to the parallel members. An extensible lifting means 34 is connected at its upper end to the snowmobile and at its lower end to the brace. Brace mounts 16 are positioned on opposite sides of the snowmobile for

pivotsly mounting the brace. The brace is shown with a rolling mechanism 10 on the base member. However, on page 2, paragraph 0027, Ouellette teaches that the brace may be provided with no rolling mechanism, in which case the base member engages the ground.

Ouellette fails to show the extensible lifting mechanism positioned at the rear end of the snowmobile.

Navarrete shows an elevation mechanism with a pivotable stabilizer brace 30-35 movable between transport and use positions and having a scissor jack extensible lifting mechanism with a brace 36, 38, 27 that is pivotally connected to the rear end of the vehicle at its upper end and to the brace at its lower end.

It would have been obvious to one of ordinary skill in the art to provide a scissor jack lifting mechanism of the type taught by Navarrete in order to manually move the brace between transport and use positions.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouellette (PG Pub. No. 2004/0000778) in view of Hammond (USPN 4,055,329).

Ouellette shows a snowmobile 101 with an elevation mechanism having a stabilizer brace 2-4 movable between in use and transport positions. Figures 1 and 5 show the brace having parallel side members 3, 4, pivotally connected to the snowmobile at a position forward of the rear end of the snowmobile. A straight base member 2 is connected at lateral ends to the parallel members. An extensible lifting means 34 is connected at its upper end to the snowmobile and at its lower end to the brace. Brace mounts 16 are positioned on opposite sides of the snowmobile for

pivotsly mounting the brace. The brace is shown with a rolling mechanism 10 on the base member. However, on page 2, paragraph 0027, Ouellette teaches that the brace may be provided with no rolling mechanism, in which case the base member engages the ground.

Ouellette fails to show the extensible lifting mechanism positioned at the rear end of the snowmobile.

Hammond shows a scissor jack extensible lifting mechanism with a brace 18 and a scissor jack mechanism for moving the brace between transport and use positions..

It would have been obvious to one of ordinary skill in the art to provide a scissor jack lifting mechanism of the type taught by Navarrete for lifting the Ouellette brace, in order to manually move the brace between transport and use positions.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leitner is applicant's earlier patent.

Sellmaler and Stahl show pivotal ground support braces.

Orth shows a scissor jack.

Peterson shows a pivotal rear lifting mechanism for a snowmobile.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*amb* 3/2/04

Anne Marie M Boehler  
Primary Examiner  
Art Unit 3611

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